REPRESENTATIONS.—(*Contd.*)

No. 36.—Delegation of certain powers to Dharmadarsis of temples. Mr. T. Ramachandra Rao, Magadi Taluk.

MR. RAMACHANDRA RAO prayed that the Dharmadarsis of temples might be given an imprest to meet emergent expenditure.

THE FIRST MEMBER OF COUNCIL said that the Amildar had power to meet all emergent expenditure and that it was not necessary to give any imprest to Dharmadarsis.

MR. RAMACHANDRA RAO next requested that the Dharmadarsis should be empowered to control and punish the temple establishment.

THE FIRST MEMBER OF COUNCIL replied that it could not be done.

MR. RAMACHANDRA RAO then prayed that the Dharmadarsis might be authorised to bring the income and expenditure of the temples under their scrutiny. He said that temples were either major or minor and that Dharmadarsis were being appointed only for major institutions. But they could not do much useful work for the reason that their duties were indefinite and not properly defined.

THE FIRST MEMBER OF COUNCIL observed that the duties of the Dharmadarsis had been defined and that they were authorized to scrutinize the accounts of institutions.

MR. RAMACHANDRA RAO said that when the same question was discussed at a previous session, the Government promised that the Dharamadarsis would be given some additional power.

THE FIRST MEMBER OF COUNCIL said that it had been done.

MR. RAMACHANDRA RAO then represented that if the Dharmadarsis wanted to incur some expenditure urgently, they had no power to do so. It was for that reason, he said, that some imprest should be given to them.

THE FIRST MEMBER OF COUNCIL said that the Government had no intention of entrusting the Dharmadarsis with financial powers.

MR. RAMACHANDRA RAO said that he was very anxious about the authority to be given to the Dharmadarsis for bringing the income and expenditure under scrutiny.

THE FIRST MEMBER OF COUNCIL said that it was the duty of the local temple officer to place the monthly receipts and expenditure statement before the meeting of

the Dharmadarsis for being scrutinised and checked by them. The Dharmadarsis could also record the result of the scrutiny in the Proceedings Book and send an extract thereof to the Amildar.

MR. APPAJIAH said that the accounts were not generally received in the Taluk Office previously to their being placed before the Committee and hence the hardship complained of.

THE FIRST MEMBER OF COUNCIL said that such instances might be brought to the notice of the Muzrai Commissioner.

No. 37.—Amendment of the Civil Procedure Code.

Mr. M. L. Nagappa Setty, Indian Planting Interest, Chikmagalur.

MR NAGAPPA SETTY prayed that the Civil Procedure Code might be so amended as to allow of sums relating to properties of minors tendered in cash as deposit in courts being invested in the Government Savings Bank so that the interests of minors might be safeguarded. In the alternative he suggested that judicial deposits might be ordered to bear interest. He added that this was necessary because guardians were not readily available to claim the money on behalf of the minors and if they should be available, the amount might be made over to them if they were prepared to invest them at a higher rate of interest. He also suggested that if they were to be treated as judicial deposits, special rates of interest might be allowed on them.

MR. D. S. MALLAPPA supported the above representation and said that until the minor became a major, the amounts on his behalf should be deposited in the Savings Bank.

THE LAW SECRETARY observed that the point of the representation was not quite clear. So far as the District Courts were concerned, the District Judges had power to invest the minor's money in the Savings Bank. He however said that no amount could be so invested until the case was finally disposed of. From the representation, it was not clear to him what amounts were referred to by Mr. Nagappa Setty.

MR. NAGAPPA SETTY said that his representation related to all amounts in Courts on account of the minors.

MR. KRISHNASWAMI RAO explained that while any minor could sue by his next friend, it was the guardian of the minor alone that could recover the amounts due to the minor, but the guardian was required to give security before

the money could be handed over to him. In most cases, he did not give security with the result that the money would lie in the Court without bearing any interest and the minor's interests would suffer. Hence he thought that as soon as such an amount was received in the Court on behalf of the minor, the presiding officer should deposit it in the savings bank.

THE THIRD MEMBER OF COUNCIL said that the suggestion would be considered although he did not think that the Civil Procedure Code need be amended on this account.

No. 38.—Amendment of the Criminal Procedure Code.

Mr. M. P. Somasekhara Rao, Bangalore City Municipality.

MR. SOMASEKHARA RAO prayed that the Criminal Procedure Code might be amended so as to make it incumbent on the police officers effecting an arrest to intimate to the person arrested for what offence or under what provision of law the arrest was made and that the person arrested should be released on furnishing bail—if the offence permitted of bail being allowed. He added that although there was provision under certain sections of the code for this being done, it was not incumbent on the officers to intimate the persons arrested under Sections 54, 55, 57, and 151, the reasons for their arrest. He also said that if the offence for which a person was arrested was intimated to him at the time of arrest, it would enable him to offer bail immediately. Under the existing practice, the man would not know the exact nature of the offence for which he was arrested, for 24 hours, *i.e.*, until he was brought before the Magistrate.

THE SECOND MEMBER OF COUNCIL said that no man would be arrested without cause.

THE THIRD MEMBER OF COUNCIL said that for arrest with a warrant, there was provision in the code. But in the case of arrest without warrant, any police subordinate might effect an arrest under the orders of the superior officer and it might not be possible to say under what section the arrest was made as it would require investigation.

MR. SOMASEKHARA RAO said that the nature of the offence might be stated by the superior officer as soon as the man was taken to the Station House. The main object of his suggestion was that the police should realise their full responsibility before effecting the arrest. The liberty of person was very sacred and before restricting it, he was of opinion that full reasons ought to be given.

THE THIRD MEMBER OF COUNCIL said that it was often a constable that effected the arrest and it would not be possible for him to say under what section the arrest was made.

MR. SOMASEKHARA RAO said that the police constable need not give the section, but he might at least give reasons for the arrest and if it was impossible for him to do so, at least the officer in charge of the Police Station might give the reasons.

MR. K. T. BHASHYAM IYENGAR instanced his own case in which the reasons for his arrest some time back were not given even up to date. Although he himself was a lawyer having knowledge of Criminal Law, yet he was himself not in a position to know for what offence he was arrested.

MR. SOMASEKHARA RAO said that at least a copy of the report made by the subordinate officer to the Magistrate might be given to the arrested person. At present, it meant that a man was first arrested and the reasons for such arrest were sought for later. He represented that before the liberty of a person was sought to be restricted, he must be given full reasons for such an action.

MR. SUBBANNA NAIK said that it was a very necessary provision particularly in the rural parts where the Magistrate's Court was stationed at long distances.

MR. DEVAPPA GOWDA said that, for want of such a provision, the people in the villages who were to a great extent illiterate were under very grave disadvantages. Arrests were made without notice and even very respectable people were subjected to indignities of that kind.

MR. RAMADOSS said that in many cases, the arrested persons would not be let off on bail but the police would ask for remand for some time more for reasons of their own. He therefore suggested that the police should not detain persons on remand. He said that when a lawyer like Mr. Bhashyam Iyengar could not understand why he was arrested, it was not possible to imagine the difficulties of the illiterate people in the villages.

MR. SIDDALINGA DEVARU said that without such a provision, there would be no safety to any person.

MR. GURUMURTHIACHARYA said that he had known instances where arrested persons were kept in custody without being taken before the Magistrates for days together. He thought that the people in Mysore were all law-abiding and sharing the responsibility of Government also. If such

people were subjected to the hardships of the Criminal Law like that, it would be impossible for people to live in any safety.

MESSRS. GOPALACHAR, RAMASWAMI and D. S. MALLAPPA also agreed with the above view.

MR. RAZVI remarked that the police arrested persons first and then foisted even false charges to justify the wrongful arrests made by them.

Referring to the Second Member's remarks that no man would be arrested without sufficient cause, MR. PUTTASWAMI asked, if there was the cause, what difficulty there was in intimating the same to the arrested person.

THE THIRD MEMBER OF COUNCIL said that now that the opinion of the Assembly on the subject was known, both the Criminal Procedure Code and the Police Regulations would be examined with a view to see what action could be taken.

Adjournment Motion.

At 4-30. p.m., MR. M. C. LINGE GOWDA moved the following adjournment motion:—

"That the President be pleased to adjourn the business of the House to discuss the inaccurate and irregular way in which voters' lists relating to the election of members to the District Board of Mysore has been prepared."

In moving this adjournment motion, he said that he wanted to confine his remarks only to the Mysore District, but after he came to the Assembly, he was given to understand that similar irregularities had occurred in the other districts also. He regretted that at a time when the Government were giving enlarged powers to the people in the Local Self Government Scheme; when it was proposed to appoint non-official Presidents to the District Boards and when the number of representatives from the taluks was increased, such troubles in regard to the preparation of voters' lists should have occurred. The difficulty was that Census was prepared once in ten years and if there were some mistakes in the particulars given there, it did not matter much. But in order to compile the census tables, a lot of establishment, private and public, was taken for help while in the case of the preparation of the voters' lists, Government had given not even one-thousandth part of the facilities that they usually gave for the preparation of census tables. He thought that if the Secretariat had taken some pains, the difficulties complained of by him would not have arisen.

Continuing he said that in the Krishnarajpet Taluk, 1,600 persons had been returned during the last elections and that their number in the present list was reduced to 800. In the Mandya Taluk also the names of many people had been omitted in a number of villages. In the case of one village called Koppada Hobli Hosagavi, the names of four voters had been mentioned against 22 given by the Patel.

MR. LINGE GOWDA added that the voters' lists were not being given when they were asked for, and they were not exhibited on the notice boards in any conspicuous place as required by the rules.

For the above reasons, he said that the voters' lists prepared at present were altogether unsatisfactory. He was of opinion that if those lists were printed and made available, it would not cost much to Government while it would give better facilities to the people to stand for election. His fear was that the present lists would also be made use of for the Representative Assembly and the Legislative Council elections and if such lists were not properly scrutinised and published in the manner laid down by the rules, there was bound to be much trouble later on. The time for the elections was fast approaching and unless the voters' lists were prepared afresh, and made available to the public, as already represented, it would cause considerable hardship to the people.

In seconding the motion, MR. S. C. MALLAIYA said that the names of persons who were eligible to vote had been left out in many villages and those of others found a place in the lists; that the names of nominal khatedars were included and those of voters of *inam* villages had been omitted. He added that his own name did not find a place in the list.

Referring to the Harohalli Village in the Mysore Taluk, he said that in the last elections, there were only 20 voters and that their number had increased to 120 this time. He could not see any reason for the increase. Similarly in the case of the Chunchunkatte Village, the names of a number of persons who were eligible to vote did not find a place in the lists. As a matter of fact, the voters' list were securely placed in the box of the Local Fund Clerk and it was not open to every villager to go and find out if his name was in it. He thought that all the trouble was due to the local Shanbhogue who prepared the voters' lists. If such lists were prepared in consultation with the Patels, he thought,

that much of the trouble could be avoided. He was of opinion that the lists as prepared by the Shanbhogues should be scrutinised by the Sheikdar and Amildar and published at least six months before the election.

THE SECOND MEMBER OF COUNCIL said that no useful purpose would be served by the Amildars scrutinising the lists; that according to rules, the lists should be correctly prepared once and that additions or alterations, if any, should be made therein whenever occasion arose and that if attempts were made to prepare the lists at the nick of time, there would be all the difficulties complained of.

MR. MALLAIYA continuing said that there was no use in publishing the voters' lists in the Taluk Offices alone.

THE SECOND MEMBER OF COUNCIL agreed and said that under the rules, they must be published in the local chavadies.

MR. S. C. MALLAIYA also objected to the practice of being mentioning the names of persons without proper honorifics added. For instance, he said that the names were mentioned as *Linga's son Thimma*. He did not see why the names should not be mentioned as *Lingaiya's son Thimmaiya*.

THE SECOND MEMBER OF COUNCIL replied that that was a small matter and that if the members were very particular, it could be very easily arranged.

MR. MALLAIYA continuing said that the correct address of the voters was not given; the fact of the *khate* was given too much prominence whether the khatedar was actually paying assessment or not. He thought that the real criterion should be whether the person was really a khatedar paying assessment and a resident of the place.

THE SECOND MEMBER OF COUNCIL said that that was possible only after the system of Record of Rights was introduced throughout the State.

In conclusion, MR. MALLAIYA requested that as the present lists were quite unsatisfactory, they should be newly prepared and brought up-to-date, and that the elections should be put off for at least two months.

MR. BAGAMANE DEVA GOWDA said that he had sent up a representation in respect of the question under discussion, suggesting that the list of voters should be certified by the Revenue Inspector as being correct and checked by the Amildar before being finally fair-copied as that would save much trouble and worry. He remarked that at present there were many irregularities in the preparation of the lists, *e.g.*,

omitting the names of persons eligible to vote and including those of others; mentioning the names of persons in a disrespectful manner, etc. If the list was to be perfect, he thought that the Amildar should take some interest in its preparation and that in the Chikmagalur Taluk, it was possible for them to prepare a correct list as a result of the Amildar taking keen interest in the matter. He also thought it necessary to publish the names of voters in the *Mysore Gazette* and that if a person paid kandayam in two or more places in one unit, each payment by itself not entitling him to be a voter, the aggregate amount paid by him in that unit should be taken into consideration for purposes of the voters' list.

THE SECOND MEMBER OF COUNCIL observed that it would not be possible to publish the names of voters in the *Mysore Gazette*, but extracts should be published in the Chavadies of every village and that in respect of including the names of those who paid kandayam in two or more places in the same unit, it might be arranged in communication with the local officers.

He added that now that the Government understood that there were irregularities in the preparation of voters' lists, necessary arrangements would be made to rectify them and that in the meantime, elections would be put off by three months.

MR. M. S. LINGE GOWDA said that although the voters might not be very particular about their names being included in the lists, arrangements should be made to include such names when the candidates who stand for election approached the authorities and asked for the inclusion of the names left out.

THE SECOND MEMBER OF COUNCIL observed that under the present rules, 15 days' time was given to the people to rectify any mistakes in the published list of voters. If any eligible voter failed to appeal within that time, there was no provision for any one else to appeal on his behalf.

A large number of members urged that the lists should be printed.

MR. H. C. DASAPPA said that the Assembly and the District Board elections should not take place at the same time. As the voters' lists would anyhow be required for the Representative Assembly elections, he suggested that the Village Panchayets might be empowered to prepare voters' lists and that such lists might be printed and sold at a price to be fixed by Government.

THE SECOND MEMBER OF COUNCIL promised to consider the question.

At this stage, the Assembly rose for the day to meet again the next day at 12 noon.